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			ART UNIT	PAPER NUMBER
			3693	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

scott@harrises.com  
schuspto@gmail.com

### Office Action Summary

**Application No.**

10/064,439

**Applicant(s)**

HARRIS, SCOTT C.

**Examiner**

HAO FU

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-16, 18, 22-32 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16, 18, 22-32, and 65-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejection – USC 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2-16 and 65-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the amended feature "information determining part" is not supported by the original spec. In order to overcome this rejection, the applicants may point out the exact location of the specification where support can be found.

Claim 10 recites the limitation "said plain text messages" in line 2. There is insufficient antecedent basis for this limitation in the claim. The Examiner believes Applicant intended to depend claim 10 from claim 2. In order to advance prosecution, the Examiner will interpret claim 10 to depend from claim 2. However, the claim should be amended to correct this issue. This rejection has been raised in the previous Office Action, yet no corrective action has been done by the applicants. The examiner urges the applicants to fix this minor problem to further advance the prosecution process.

Claim 15 depends from claim 10 and therefore is rejected for the reason explained in the preceding paragraph.

***Claim Rejection – USC 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18 and 22-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent a method claim must (1) be tied to another statutory class of invention (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). A method claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 18 and 22-32 fail to meet the above requirements since there is not a sufficient tie to another statutory class. Simply stating a method is computer implemented in the preamble is not sufficient to establish a tie to a statutory class. In addition, the procedure which is tie to another statutory class must be more than insignificant "extra solution" activity. Specifically, "server" can be defined as "On the Internet or other network, a computer or program that responds to commands from a client" (emphasis added). As such, the term server, when given its broadest reasonable interpretation can read on a computer (with processor) or just the program (i.e. software per se). Since software per se does

not belong to any statutory class under 35 U.S.C. 101, the examiner believes there is a need to clarify the present invention to be tied to a processor-based system. Furthermore, the keyword recognition system does not overcome the above deficiency, as the term is understood as software running on a server. Even though claims 2-16 and 65-69 are system claims, it would be appreciated if the applicants can clarify in the claim language that the web server includes processor.

***Claim Rejection – USC 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 6-16, 18, 22-32, 65-67, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 5,835,896 to Fisher et al., in view of US Patent No.: 7,058,582 to Powell.

As per claim 8, Fisher teaches a system, comprising:

a web server, producing a web page which is available on the Internet, wherein said web server is a server that hosts auctions of items for sale and maintains auction bids for items for sale over the Internet (see column 4, line 32-45, host computer is web server); and

and wherein said information determining part also sends e-mail messages that include information about items in said auctions for sale over the Internet, on which items a user has been outbid (see column 6, line 46-67; column 8, line 24-29; and column 9, line 36-47).

The examiner notes however, Fisher's invention uses "bid form" for placing bids (see column 7, line 50-65), whereas the present invention uses email with plain text for placing bids. As such, Fisher does not explicitly teach an information determining part associated with said web server which receives e-mail messages and obtains information from said e-mail messages, said information being in a form which can interact with said web page being produced by said web server; wherein said information determining part having a keyword recognition system which recognizes at least one word in at least one of the email messages to determine automatically a desired action of said email without requiring a special form for the email to recognize said at least one word.

Powell teaches an information determining part associated with said web server which receives e-mail messages and obtains information from said e-mail messages, said information being in a form which can interact with said web page being produced by said web server (see column 2, line 7-12; column 4, line 3-5);

wherein said information determining part having a keyword recognition system which recognizes at least one word in at least one of the email messages to determine automatically a desired action of said email without requiring a special form for the email to recognize said at least one word (see column 2, line 20-25; prior art teaches interpreting email in plain text, parsing and recognizing desired action in the plain text, and executing commands described in the plain text).

Even though Powell does not explicitly teach using email in plain text and keyword recognition system for placing bids, the prior art suggests that the technology is used to replace the special forms for executing desired action on a web page for the purpose of eliminating the need for specialized knowledge in the web (see column 2, line 7-12). The Fisher reference teaches using specialized "bid form" for placing bids, so it would have been obvious to one of ordinary skill in the art to modify the Fisher reference with the technology taught in Powell. Furthermore, Fisher teaches placing a new bid via an email reply (see column 8, line 24-29), and thus the prior art anticipates a keyword recognition system to parse and detect the command in the emails. One of ordinary skill in the art would have been motivated to combine the references in order to eliminate the need for specialized knowledge in the web.

As per claim 2, Fisher does not explicitly teach wherein said e-mail messages include e-mail messages in plain text form.

Powell teaches wherein said e-mail messages include e-mail messages in plain text form (see column 2, line 7-12; column 4, line 3-5).

Even though Powell does not explicitly teach using email in plain text and keyword recognition system for placing bids, the prior art suggests that the technology is used to replace the special forms for executing desired action on a web page for the purpose of eliminating the need for specialized knowledge in the web (see column 2, line 7-12). The Fisher reference teaches using specialized "bid form" for placing bids,

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so it would have been obvious to one of ordinary skill in the art to modify the Fisher reference with the technology taught in Powell. One of ordinary skill in the art would have been motivated to combine the references in order to eliminate the need for specialized knowledge in the web.

As per claim 6, Fisher at least implies wherein said information determining part automatically recognizes phrases that include the word "bid" in said email as one of said words and where said action is a bid on one said items for sale over the Internet (see column 8, line 24-29; when the bidder replies the outbid message via email, Fisher's invention automatically recognizes the amount of increased bid in the email and places the bid for the bidder).

Powell teaches a recognition system which parses the plain text in the email, interprets the request of the email, and automatically executes the requested command (see column 2, line 7-8 and line 20-25). In the example of the prior art, the invention recognizes the word "change", and it interprets the command as "update" or "modify" to the web page and automatically perform the desired action requested in the email (see column 4, line 1-24).

Since Fisher teaches placing new bids by a reply email including an amount increase bid and Powell teaches a recognition system which interprets command word in the email and executes the command, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the Fisher reference with the teaching from Powell to come up with automatically recognizing a command word, such as "bid", in auction and automatically execute the command. One of ordinary skill in the art would have been motivated to combine the references in order to use plain text to request desired action via email.

As per claim 7, Fisher teaches wherein said information determining part also sends e-mail messages indicative of information about said auctions (see column 6, line 46-67; column 8, line 24-29; and column 9, line 36-47).

As per claim 9, Fisher teaches wherein said information determining part produces and sends messages which include a session identification indicator that identifies said auction information, and that where said session identification indicator is a unique value, that unambiguously represents an item in said auction information (see column 6, line 49-54; the examiner notes when Fisher teaches that "electronic mail notification messages preferably contain the relevant merchandise information, the current high bid, the bid increment, etc." clearly represents Applicant's "session identification identifier that identifies said auction information, and that where said session identification indicator is a unique value that unambiguously represents an item in said auction information"; the Fisher invention must include this feature in order to let bidder to place new bid on the correct item).

As per claim 10, Fisher teaches wherein said information determining part detects a reply to a plain text message which reply including said session identification indicator, and takes action on a specified auction based on said session identification indicator (see column 8, line 15-29).

As per claim 11, Fisher teaches wherein said information determining part also sends e-mail messages indicative of actions occurring on said web page (see column 6, line 48-57).

As per claim 12, Fisher teaches wherein said e-mail messages include a session ID indicative of said actions where said session ID is a unique value, that unambiguously represents an item to be bid on (see column 6, line 49-54; the examiner notes when Fisher teaches that "electronic mail notification messages preferably contain the relevant merchandise information, the current high bid, the bid increment, etc." clearly represents Applicant's "session identification identifier that identifies said auction information, and that where said session identification indicator is a unique value that unambiguously represents an item in said auction information"; the Fisher invention must include this feature in order to let bidder to place new bid on the correct item).

As per claim 13, Fisher teaches wherein said session ID is included as part of a return address in the e-mail message (see column 6; lines 46-57). Examiner notes that the ability to, "enter a new bid by replying to the electronic mail message and sending it back to the system" as taught by Fisher represents Applicant's session ID included as part of a return address.

As per claim 14, Fisher teaches wherein the session ID is used to interact with said auction on said Web page (see column 6; lines 46-57). As explained above with respect to claim 12, under the broadest reasonable interpretation of this limitation the e-mail message need only contain an ID. In the case of Fisher the email notification includes information which identifies the auction and allows the user to reply to or enter a new bid by replying to the electronic mail message.

As per claim 15, Fisher teaches wherein said action includes placing a new bid (see column 8, line 24-27).

As per claim 16, Fisher teaches wherein said keyword recognition system in said information translating determining part automatically detects a new bid amount as part of a sent message (see column 8, line 24-29).

Claim 17. (cancelled)

Claim 19. (cancelled)



As per claim 22, Fisher teaches a method, comprising:

producing a web page on a server that is connected to the Internet, wherein said web page is a web page for a server that hosts Internet based auctions (see column 4, line 32-45, host computer is web server); and

receiving a first e-mail message on the server, which e-mail has instructions to interact with said web page (see column 8, line 24-29);

wherein said item is an item on which a user has been previously outbid (see column 6, line 46-67; column 8, line 24-29).

Examiner notes however, Fisher does not teach on the server, using a keyword recognition system to automatically recognize at least one word in the first email message, to determine automatically a desired action of said email without requiring a special form for the first email message to recognize said at least one word, wherein said at least one word comprises a word that instructs receiving comprises receiving an instruction to bid on an item on an Internet based auction

Powell teaches on the server, using a keyword recognition system to automatically recognize at least one word in the first email message, to determine automatically a desired action of said email without requiring a special form for the first email message to recognize said at least one word (see column 2, line 20-25; prior art teaches interpreting email in plain text, parsing and recognizing desired action in the plain text, and executing commands described in the plain text), wherein said at least one word comprises a word that instructs receiving comprises receiving an instruction to bid on an item on an Internet based auction (see column 2, line 7-12; column 4, line 3-5).

Even though Powell does not explicitly teach using email in plain text and keyword recognition system for placing bids, the prior art suggests that the technology is used to replace the special forms for executing desired action on a web page for the purpose of eliminating the need for specialized knowledge in the web (see column 2, line 7-12). The Fisher reference teaches using specialized "bid form" for placing bids, so it would have been obvious to one of ordinary skill in the art to modify the Fisher reference with the technology taught in Powell. Furthermore, Fisher teaches placing a new bid via an email reply (see column 8, line 24-29), and thus the prior art anticipates a keyword recognition system to parse and detect the command in the emails. One of ordinary skill in the art would have been motivated to combine the references in order to eliminate the need for specialized knowledge in the web.

As per claim 18, Fisher teaches further comprising sending a second e-mail that has instructions on a specific interaction with said web page (see column 6, line 46-57;

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column 8, line 15-29).

As per claim 23, Fisher teaches wherein said web page is an e-commerce site (see column 4, line 32-45).

As per claim 24, Fisher teaches wherein said web page is a web page for a server that hosts Internet based auctions (see column 4, line 32-45, host computer is web server).

As per claim 25, Fisher teaches wherein said e-mail message includes a session ID indicative of an individual auction on said web page, where said session ID is a unique value, that unambiguously represents one of said individual auctions (see column 6, line 49-54; the examiner notes when Fisher teaches that "electronic mail notification messages preferably contain the relevant merchandise information, the current high bid, the bid increment, etc." clearly represents Applicant's "session identification identifier that identifies said auction information, and that where said session identification indicator is a unique value that unambiguously represents an item in said auction information"; the Fisher invention must include this feature in order to let bidder to place new bid on the correct item).

As per claim 26, Fisher implies wherein said keyword recognition system automatically recognizes phrases that include the word "bid" in said email as one of said words (see column 8, line 24-29; when the bidder replies the outbid message via email, Fisher's invention automatically recognizes the amount of increased bid in the email and places the bid for the bidder).

Powell teaches a recognition system which parses the plain text in the email, interprets the request of the email, and automatically executes the requested command (see column 2, line 7-8 and line 20-25). In the example of the prior art, the invention recognizes the word "change", and it interprets the command as "update" or "modify" to the web page and automatically perform the desired action requested in the email (see column 4, line 1-24).

Since Fisher teaches placing new bids by a reply email including an amount increase bid and Powell teaches a recognition system which interprets command word in the email and executes the command, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the Fisher reference with the teaching from Powell to come up with automatically recognizing a command word, such as "bid", in auction and automatically execute the command. One of ordinary skill in the art would have been motivated to combine the references in order to use plain text to request desired action via email.

As per claim 27, Fisher teaches further comprising replying to said first e-mail message with instructions to increase a bid (column 8, line 15-29).

As per claim 28, Fisher teaches wherein said e-mail message includes session ID information that represents said individual auction on which said user has been previously outbid, where said session ID is a unique value, that unambiguously represents one of said individual auctions (see column 6, line 49-54; the examiner notes when Fisher teaches that "electronic mail notification messages preferably contain the relevant merchandise information, the current high bid, the bid increment, etc." clearly represents Applicant's "session identification identifier that identifies said auction information, and that where said session identification indicator is a unique value that unambiguously represents an item in said auction information"; the Fisher invention must include this feature in order to let bidder to place new bid on the correct item).

As per claim 29, Fisher teaches further comprising replying to said e-mail message with said session ID information, and modifying a bid on said web page responsive to said replying (see column 6, line 46-57; column 8, line 15-29).

As per claim 30, Fisher teaches wherein said session ID is included as part of a return address in the e-mail message (see column 6; lines 46-57). Examiner notes that the ability to, "enter a new bid by replying to the electronic mail message and sending it back to the system" as taught by Fisher represents Applicant's session ID included as part of a return address.

As per claim 31, Fisher teaches wherein said replying includes specifying an amount of a bid to be placed (column 8, line 26-29).

As per claim 32, Fisher teaches wherein said e-mail message includes a session ID indicative of an individual item on said web page, and where said session ID is a unique value, that unambiguously represents said individual item (see column 6, line 49-54; the examiner notes when Fisher teaches that "electronic mail notification messages preferably contain the relevant merchandise information, the current high bid, the bid increment, etc." clearly represents Applicant's "session identification identifier that identifies said auction information, and that where said session identification indicator is a unique value that unambiguously represents an item in said auction information"; the Fisher invention must include this feature in order to let bidder to place new bid on the correct item).

Claims 33-64. (Cancelled)

As per claim 65, Fisher teaches a system, comprising:

a web server, producing a web page which is available on the Internet, wherein said web server produces a web page that hosts auctions of items for sale and maintains auction bids for items for sale over the Internet (see column 4, line 32-45, host computer is web server); and

an information determining part associated with said web server which receives e-mail messages and automatically determines information from said e-mail messages in a form which can interact with said auctions on said web page being produced by said web server (see column 8, line 15-29);

wherein email messenger determines automatically that a bid action is being requested by said email, and automatically provides information about said bid action to said web server wherein said web server also accepts a bid based on said information about said bid action (see column 8, line 15-29).

Examiner notes however, Fisher does not teach wherein said information determining part having a keyword recognition system which recognizes at least phrases that include the word "bid" in an email message.

Powell teaches wherein said information determining part having a keyword recognition system (see column 2, line 20-25; prior art teaches interpreting email in plain text, parsing and recognizing desired action in the plain text, and executing commands described in the plain text).

Even though Powell does not explicitly teach using email in plain text and keyword recognition system for placing bids, the prior art suggests that the technology is used to replace the special forms for executing desired action on a web page for the purpose of eliminating the need for specialized knowledge in the web (see column 2, line 7-12). The Fisher reference teaches using specialized "bid form" for placing bids, so it would have been obvious to one of ordinary skill in the art to modify the Fisher reference with the technology taught in Powell. Furthermore, Fisher teaches placing a new bid via an email reply (see column 8, line 24-29), and thus the prior art anticipates a keyword recognition system to parse and detect the command in the emails. One of ordinary skill in the art would have been motivated to combine the references in order to eliminate the need for specialized knowledge in the web.

Furthermore, Powell teaches a recognition system which parses the plain text in the email, interprets the request of the email, and automatically executes the requested command (see column 2, line 7-8 and line 20-25). In the example of the prior art, the invention recognizes the word "change", and it interprets the command as "update" or "modify" to the web page and automatically perform the desired action requested in the email (see column 4, line 1-24).

Since Fisher teaches placing new bids by a reply email including an amount increase bid and Powell teaches a recognition system which interprets command word in the email and executes the command, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the Fisher reference with the teaching from Powell to come up with automatically recognizing a command word, such as "bid", in auction and automatically execute the command. One of ordinary skill in the art would have been motivated to combine the references in order to use plain text to request desired action via email.

As per claim 66, Fisher teaches wherein said information determining part produces and sends messages which include a session identification indicator that identifies said auction information, and that where said session identification indicator is a unique value, that unambiguously represents an item in said auction information (see column 6, line 49-54; the examiner notes when Fisher teaches that "electronic mail notification messages preferably contain the relevant merchandise information, the current high bid, the bid increment, etc." clearly represents Applicant's "session identification identifier that identifies said auction information, and that where said session identification indicator is a unique value that unambiguously represents an item in said auction information"; the Fisher invention must include this feature in order to let bidder to place new bid on the correct item).

As per claim 67, Fisher teaches wherein said session identification indicator is included as part of a return address in the e-mail message (see column 6; lines 46-57). Examiner notes that the ability to, "enter a new bid by replying to the electronic mail message and sending it back to the system" as taught by Fisher represents Applicant's session ID included as part of a return address.

As per claim 69, Fisher teaches wherein the session identification indicator is used to interact with said actions on said Web page (see column 6; lines 46-57). As explained above with respect to claim 12, under the broadest reasonable interpretation of this limitation the e-mail message need only contain an ID. In the case of Fisher the email notification includes information which identifies the auction and allows the user to reply to or enter a new bid by replying to the electronic mail message.

Claim 3, 4, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 5,835,896 to Fisher et al., in view of US Patent No.: 7,058,582 to Powell, and further in view of Official Notice.

As per claim 3 and 4, Fisher does not explicitly teach further comprising an e-mail pager or a cellular telephone, producing said e-mail messages.

The Examiner takes Official Notice that it was old and well known at the time of the present invention to use email pagers or cellular phones to send and receive email messages. In fact Applicant all but admits as much in the Appeal Brief filed 12/10/2008. On the first paragraph of page 9, Applicant states "This can be done without requiring that thin client to able to host or display a webpage. Rather, the client needs to be able to send e-mail messages, something that virtually every cell phone can do." Examiner notes that Applicant has not invented a cell phone that sends email nor an email pager, both of these were around long before Applicant's invention. Rather the asserted novelty lies in the system that receives the email messages, regardless of where the messages are generated.

Examiner further takes Official Notice that it is old and well known in the art for email users to employee email pagers and cellular phones for portability (i.e. to receive emails anywhere, not just at a computer terminal).

Accordingly, Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user client of Fisher to specifically be either an email pager or cellular phone as is old and well known in the art. One of ordinary skill would have been motivated to modify Fisher to include email pagers and cellular phones so that the users of Fisher could place bids and receive notifications anywhere, not just at a computer terminal.

As per claim 68, Fisher does not teach wherein said session identification indicator is included as alphanumeric information in the email.

Official Notice is taken that using alphanumeric to represent an identification of an auction session or an item in the email is old and well known in the art. For example, eBay send notification email to auction winner with alphanumeric identification of the item.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the Fisher reference with the teaching from Official Notice to include alphanumeric session identification in the email for the benefit of unambiguously identifying an auction item to the bidder.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 5,835,896 to Fisher et al., in view of US Patent No.: 7,058,582 to Powell, and further in view of US Patent No.: 6,366,891 to Feinberg.

As per claim 5, Fisher further teaches a bid validator that receives an email with a bid (see column 8, lines 24-29) then examines the bid for all necessary data (see

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column 7, lines 54-57).

Fisher fails to specifically teach a user ID and password as part of the email message/necessary data.

Feinberg teaches an automated auction system, in which users are required to submit a username and password with each bid (see column 8, lines 26-32). Feinberg teaches that this is done as a security measure to verify the user (see column 8, lines 26-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data which is received and examined in Fisher to include a username and password as taught by Feinberg. One of ordinary skill in the art would have been motivated to make this modification in order to provide security by verifying the user, as taught by Feinberg.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO FU whose telephone number is (571)270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 11:30am-8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES KRAMER can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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